

DECLARATION OF EMERGENCY

Workforce Commission Office of Workers' Compensation

Employment Based Fifth Category Visa Program (EB-5)
Certification of High Unemployment Areas
(LAC 40:XXI.101)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and R.S. 36:310. The Louisiana Workforce Commission has an immediate need for a rule for certification requests of high unemployment areas for the federal Employment Based Fifth Category Visa Program (EB-5) pursuant to 8 CFR Part 204.6(i) to effect fees as the designated agency. A delay in imposition of such fees would hinder effective administration of this program, impose unfunded and unrecoverable costs on the department, and delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, the department, Louisiana businesses and taxpayers. This Emergency Rule shall become effective on September 20, 2015, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act, whichever occurs first.

Title 40

LOUISIANA WORKFORCE COMMISSION

Part XXI. High Unemployment Areas

Chapter 1. Certification of High Unemployment Areas

§101. Application Fee

A. An application fee in the amount of \$250 shall be required for each request for certification of a high unemployment area under the Employment Based Fifth Category Visa Program (EB-5).

B. All fees shall be paid in advance by check, money order, or other authorized method of payment and made payable to: Louisiana Workforce Commission. Cash cannot be accepted.

AUTHORITY NOTE: Promulgated in accordance with 8 CFR Part 204.6(i) and R.S. 36:310.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workforce Development, LR 41:

Curt Eysink
Executive Director